

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/10/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN IGARTUA, *on behalf of himself and all
others similarly situated,*

Plaintiffs,

-against-

RECREATIONAL PLUS LEV INC,

Defendant.

1:24-cv-06761-MKV

ORDER TO SHOW CAUSE

MARY KAY VYSKOCIL, United States District Judge:

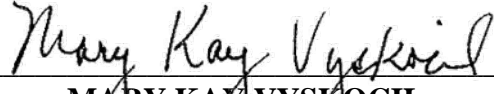
Plaintiff initiated this action by filing a complaint on September 5, 2024. [ECF No. 1]. On October 28, 2024, an affirmation of service was filed. [ECF No. 5]. Defendant has not answered or responded to the complaint. On November 13, 2024, the Court issued an Order directing Plaintiff to file a letter on or before November 20, 2024, showing cause why this case should not be dismissed for failure to prosecute. [ECF No. 6]. Plaintiff filed the required letter on November 17, 2024 and stated that they will initiate the process to file a motion for Default Judgment on or before November 20, 2024. [ECF No. 7]. Again on December 2, 2024 this Court issued an Order directing Plaintiff to file a letter on or before December 9, 2024, showing cause why this case should not be dismissed for failure to prosecute. [ECF No. 8]. As of the date of this order, Plaintiff has not responded to the Court's Order, has not initiated the Default Judgment process, and has not prosecuted this case to date.

Accordingly, IT IS HEREBY ORDERED that, **by December 17, 2024**, Plaintiff shall file a letter showing cause why this case should not be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Plaintiff is once again on notice that they are ultimately responsible for prosecuting this case, and this case may be dismissed because of their chosen counsel's failure to prosecute his case. *See Link v. Wabash R. Co.*, 370 U.S. 626, 633-34 (1962).

The parties are reminded that failure to comply with the Court's orders or comply with the FRCP, the Local Rules for the SDNY or this Court's Individual Practice Rules, or the parties discovery or other obligations thereunder may result in sanctions, including monetary penalties on counsel and/or the parties , dismissal or preclusion of claims, defenses, arguments, or evidence.

SO ORDERED.

Date: December 10, 2024
New York, NY



MARY KAY VYSKOCIL
United States District Judge